IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

RP.No. 308 of 2007(L)

AGAINST THE JUDGEMENT/ORDER IN WPC.19650/2002 Dated 23/06/2006

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REVIEW PETITIONER/1ST RESPONDENT

CORPORATION OF KOCHI,
REP. BY ITS SECRETARY, CORPORATION OFFICE,
KOCHI-11.

BY ADV. SMT.ANU SIVARAMAN NAIR, SC, COCHIN CORP

RESPONDENTS: PETITIONER

K.G.BAHULEYAN,
CHITTIARAKUZHI, AYANINADA ROAD, MARADU P.O.,
ERNAKULAM.

BY ADV. P. SANTHOSH KUMAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH , J

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C.M. Appln. No. 143/2007 & R.P. NO. 308 OF 2007

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Dated this the 29th day of June, 2007.

JUDGMENT

This is a petition to condone the delay of 202 days in filing the revision petition. It is seen from the affidavit that no satisfactory explanation has been given for the inordinate delay in filing the petition. True, certain events are narrated, but when exactly the delay occurred is not discernible. Be that as it may, on merits it is seen that this Court had taken note of the fact that the writ petitioner was only an N.M.R. worker and that Ext. P3 notice was issued on the eve of his retirement in 2001 proposing to recover the alleged excess pay drawn by him from 01.04.1990. Inviting reference to the decision of this Court in **Santhakumari P.J. v. State of Kerala** (2005(4) ILR 563), it is submitted that the recovery is permissible. I am afraid the contention cannot be appreciated. Even if it is considered on merits also, the contentions cannot be appreciated. The fixation is made in 1990. Steps for recovery are taken in the year 2001. It is a case of an N.M.R worker who never had an opportunity to know about the fixation which is an intricate process. Apart from all these, there is no notice also before the recovery. For all these reasons, there is also no merit in the case either. Accordingly, the petition for condonation of delay is dismissed. Consequently the R.P is also dismissed.

KURIAN JOSEPH, JUDGE.

rv

KURIAN JOSEPH, JUDGE.

R.P. NO. 308 of 2007

29th day of June, 2007

JUDGMENT